

**IN THE CLAIMS:**

Please amend claims 185, 195 and 198-200 and add new claims 203-210 as follows.

185. (Currently Amended) An HSV-1-derived vector, comprising a DNA having at least one nucleic acid sequence defining a functional LAT promoter, or operative fragment thereof; and further having a deletion in both copies of the HSV-1 LAT gene structural region, and a deletion in both copies of the HSV-1 ICP34.5 gene, such that functional RNA transcripts encoding the LAT gene product and encoding the ICP34.5 gene product cannot be detected within a mammalian cell hosting said vector, and wherein said HSV-1-derived vector does not reactivate from latency.
186. (Previously Presented) The HSV-1-derived vector of Claim 185, further comprising a functional HSV thymidine kinase gene.
187. (Previously Presented) The HSV-derived vector of Claim 185, wherein said HSV-1-derived vector is derived from HSV-1 strain McKrae.
188. (Previously Presented) The HSV-1-derived vector of Claim 187, wherein the HSV-1-derived vector is Prom $\Delta$ LAT $\Delta$ 34.5, Prom $\Delta$ LAT $\Delta$ 34.5-GFP, or a derivative of either of these.
189. (Previously Presented) The HSV-1-derived vector of Claim 185, wherein the at least one transcriptional unit having a functional LAT Promoter sequence or operative fragment thereof is operatively linked to a nucleic acid encoding a preselected protein.
190. (Previously Presented) The HSV-1-derived vector of Claim 189, wherein the preselected protein is a fluorescent or light-emitting protein or cytokine.
191. (Previously Presented) The HSV-1-derived vector of Claim 190, wherein said fluorescent or light-emitting protein is a green fluorescent protein, yellow fluorescent protein, blue fluorescent protein, phycobiliprotein, luciferase, or apoaequorin.

192. (Previously Presented) The HSV-1-derived vector of Claim 191, wherein the vector is Prom $\Delta$ LAT $\Delta$ 34.5-GFP or a derivative thereof.
193. (Previously Presented) The HSV-1-derived vector of Claim 189, wherein the preselected protein is a protein toxic to cells expressing HSV.
194. (Previously Presented) The HSV-1-derived vector of Claim 189, wherein the preselected protein is human interferon- $\gamma$ , interleukin-2, interleukin-4, interleukin-6, interleukin-10, interleukin-12, granulocyte-macrophage colony stimulating factor, tumor necrosis factor- $\alpha$ , Fas ligand, human connexin-43, VP-16, or VP-22, or a fusion protein derived from any of these.
195. (Currently Amended) A mammalian cell containing an HSV-1-derived vector selected from the group consisting of Prom $\Delta$ LAT $\Delta$ 34.5 and Prom $\Delta$ LAT $\Delta$ 34.5-GFP, or containing a derivative or unpackaged DNA of any of these, said mammalian cell being selected from the group consisting of a non-human mammalian cell, an isolated mammalian cell, and a non-human isolated mammalian cell, wherein said HSV-1-derived vector does not reactivate from latency.
196. (Previously Presented) The mammalian cell of Claim 195, wherein said cell is a malignant cell.
197. (Previously Presented) The mammalian cell of Claim 195, wherein said cell is a non-malignant cell.
198. (Currently Amended) The mammalian cell of Claim 195, wherein said cell is a malignant cell derived from ~~or is contained in~~ a glioma, glioblastoma, oligodendroglioma, astrocytoma, ependymoma, primitive neuroectodermal tumor, atypical meningioma, malignant meningioma, neuroblastoma, sarcoma, lymphoma, or carcinoma.

199. (Currently Amended) The mammalian cell of Claim 195, wherein said mammalian cell is derived from ~~or is contained in~~ a human, non-human primate, mouse, rat, gerbil, hamster, or rabbit.
200. (Currently Amended) A mammalian cell containing the HSV-1-derived vector of any of Claims 185, 186, 187, 189, 190, 191, 193, or 194, or unpackaged DNA thereof, said mammalian cell being selected from the group consisting of a non-human mammalian cell, an isolated mammalian cell, and a non-human isolated mammalian cell.
201. (Previously Presented) A kit for expressing in a mammalian cell a gene encoding a preselected protein, containing an HSV-1-derived vector selected from the group consisting of Prom $\Delta$ LAT $\Delta$ 34.5 and Prom $\Delta$ LAT $\Delta$ 34.5-GFP, or containing a derivative of any of these.
202. (Previously Presented) A kit for expressing in a mammalian cell a gene encoding a preselected protein, containing the HSV-1-derived vector of any of Claims 185, 186, 187, 189, 190, 191, 193, or 194.
203. (New) A non-human mammal, comprising a mammalian cell containing an HSV-1-derived vector selected from the group consisting of Prom $\Delta$ LAT $\Delta$ 34.5 and Prom $\Delta$ LAT $\Delta$ 34.5-GFP, or containing a derivative or unpackaged DNA of any of these, said mammalian cell being selected from the group consisting of a non-human mammalian cell, an isolated mammalian cell, and a non-human isolated mammalian cell, and said non-human mammal being selected from the group consisting of a primate, a mouse, a rat, a gerbil, a hamster, and a rabbit, wherein said HSV-1-derived vector does not reactivate from latency.
204. (New) The non-human mammal of Claim 203, wherein said mammalian cell is a malignant cell.
205. (New) The non-human mammal of Claim 203, wherein said mammalian cell is a non-malignant cell.

206. (New) The non-human mammal of Claim 203, wherein said mammalian cell is a malignant cell derived from a glioma, glioblastoma, oligodendroglioma, astrocytoma, ependymoma, primitive neuroectodermal tumor, atypical meningioma, malignant meningioma, neuroblastoma, sarcoma, lymphoma, or carcinoma.
207. (New) The non-human mammal of Claim 203, wherein said mammalian cell is derived from a human, non-human primate, mouse, rat, gerbil, hamster, or rabbit.
208. (New) An HSV-1-derived vector selected from the group consisting of Prom $\Delta$ LAT $\Delta$ 34.5, a derivative of Prom $\Delta$ LAT $\Delta$ 34.5, Prom $\Delta$ LAT $\Delta$ 34.5-GFP, and a derivative of Prom $\Delta$ LAT $\Delta$ 34.5-GFP.
209. (New) The HSV-1-derived vector of Claim 208, further comprising a functional HSV thymidine kinase gene.
210. (New) The HSV-derived vector of Claim 208, wherein said HSV-1-derived vector is derived from HSV-1 strain McKrae.